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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,479	05/23/2001	Kazuhiko Honda	P 0277000 H7519US	9343

7590 07/12/2004

PILLSBURY MADISON & SUTRO LLP  
725 South Figueroa, Suite 1200  
Los Angeles, CA 90017-5443

EXAMINER
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TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/863,479

Applicant(s)

HONDA, KAZUHIKO

Examiner

Thang Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 35-61 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-33, 35-54 and 57-61 is/are allowed.  
6) ☒ Claim(s) 55 and 56 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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The amendment dated 04/21/04 has been considered with the following results:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 55 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuji (US 5,537,381).

Regarding claim 55, see Fig. 30 of Fuji which shows an optical disk comprising: an inner peripheral testing area (area 90, 91 or 92) which is formed in a portion on an inner side of the disk with respect to a program area (recording area 97) and an outer peripheral testing area (area including all areas 93-95) which is wider than the inner peripheral testing area (90) and formed in a portion on an outer side of the disk with respect to a program area (recording area 97), as recited in claim 55.

Regarding claim 56, see Fig. 30 of Fuji which shows an optical disk comprising: an inner peripheral testing area (areas 90-92) which is formed in a portion on an inner side of the disk with respect to a program area (recording area 97) and an outer peripheral testing area (areas 93-95) which is available for repeating a test recording a plurality of times upon the inner test area is allocated as recited in claim 56.

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3. Claim 55 is rejected under 35 U.S.C. 102(e) as being anticipated by Horimai et al (US 6,215,758).

Horimai et al., according to Figs. 1-2, shows an optical disk comprising: an inner peripheral testing area (test zone of inner region) which is formed in a portion on an inner side of the disk with respect to a program area (user area) and an outer peripheral testing area (test zone of outer region) which is wider than the inner peripheral testing area (see column 8, lines 49-51 which discloses that test zone of outer region consists of 100 sectors and test zone of inner region which consists of 50 sectors) and formed in a portion on an outer side of the disk with respect to a program area (user area), as recited in claim 34.

***Allowable Subject Matter***

4. Claims 1-335-54 and 57-61 are allowed over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach an optical disc recording method or device including a combination of all features or limitations as particularly recited in claim 1, 14, 24, 35, 45, 50 or 57. Claims 2-13, 15-23, 25-33, 36-44, 46-49, 51-54 and 58-61 are allowed with their respective parent claim.

***Response to Arguments***

5. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Thang V. Tran  
Primary Examiner  
Art Unit 2653